

## Legal Protection Regulation for Healthcare Professionals in Private Hospitals in Indonesia from the Perspective of Justice Values

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**Abstract:** Private and public hospitals have the responsibility to maintain the quality of healthcare services, which is one of the key factors in fulfilling the public's right to health. Since hospitals provide services, they must ensure patient satisfaction. Therefore, actions that prioritize public interest are necessary to deliver genuinely good services to the community. Legal protection for healthcare professionals in hospitals is crucial. This research aims to analyze and identify the regulations concerning legal protection for healthcare professionals in private hospitals in Indonesia that are still lacking in fairness, based on the values of Pancasila justice. The research method adopts a positivist paradigm, using doctrinal legal research with a normative juridical approach. The primary data source is secondary data obtained through a literature review of various regulations related to the healthcare profession. The data is analyzed qualitatively using deductive logic. The research findings indicate that the legal protection regulations for healthcare professionals in private hospitals in Indonesia still face issues of injustice and inadequacy. Although Law No. 17 of 2023 has acknowledged the critical role of healthcare professionals and granted them certain rights, its implementation remains hindered, particularly in terms of legal responsibilities and protection against professional risks. Healthcare professionals play an essential role in healthcare services, yet existing regulations do not fully protect them from legal risks arising from medical actions. Therefore, additional balanced regulations are needed to better protect healthcare services as a profession. Weaknesses include a lack of coordination between the government, hospitals, and professional associations, as well as limitations in monitoring legal protection in private hospitals. This encompasses attitudes, awareness, and compliance among the public, especially healthcare professionals and hospital management, toward regulations.

**Keywords:** healthcare professionals, private hospitals, indonesia, law, regulation

### 1. Background

Legal protection for all Indonesian citizens without exception is regulated in the 1945 Constitution of the Republic of Indonesia (UUD 1945). In the Unitary State of the Republic of Indonesia (NKRI), the concept of legal protection is inseparable from the protection of human rights, which is a concept of a rule of law derived from two terms, namely *rechtsstaat* and rule of law. Therefore, in the Explanation of the 1945 Constitution before the amendment, it is stated, "Indonesia is a state based on law (*rechtsstaat*), not merely on power (*machtstaat*)."

Legal protection is an example of the function of law in achieving legal objectives such as justice, utility, and legal certainty. Legal protection refers to the protection granted to legal subjects according to written or unwritten legal norms, both preventive and repressive, aimed at enforcing legal rules. According to Satjipto Rahardjo, the law protects individual interests by granting them the authority to act in their own interests in a measured manner. Interests are the subject of rights because rights encompass elements of protection and recognition. Furthermore, legal protection is contributed as a form of service and the subject being protected [1].

Legal protection is a form of protection provided to legal subjects through legal instruments, both preventive and repressive, written or unwritten. In other words, legal protection is a reflection of the function of law. This

concept states that the law guarantees justice, order, security, benefit, and peace. The definition of protection in Article 1 Paragraph 6 of Law No. 13 of 2006 concerning the Protection of Witnesses and Victims states: "Protection refers to all efforts to safeguard rights and provide assistance to witnesses and/or victims," carried out in accordance with the provisions of this law. Therefore, to uphold justice and the law to fulfill a sense of justice based on positive law, justice can inherently be constructed according to the legal ideals (rechtsidee) in a rule of law (rechtsstaat) [2].

The purpose of legal protection is to achieve justice. Justice consists of thinking correctly, acting fairly and honestly, and being accountable for one's choices. To realize a safe and peaceful society, a sense of justice and the law must be upheld based on positive law. Justice must be built in a rule of law (Rechtsstaat), not a power-based state (Machtsstaat). The law functions to protect human interests by considering four aspects, namely:

1. Legal Certainty (Rechtssicherheit);
2. Legal Utility (Zweckmäßigkeit);
3. Legal Justice (Gerechtigkeit); and
4. Legal Guarantee (Doelmatigkeit).

Legal protection for healthcare professionals means that health development must provide protection and legal certainty to both providers and recipients of healthcare services. Legal protection refers to the regulation of specific matters to ensure a safe position or the regulation of something by law, so that rights and obligations are protected by law. Therefore, every action taken in accordance with applicable legal provisions will receive legal protection. If healthcare professionals are harmed by the actions of another party, whether intentional or negligent, they can demand legal accountability from those parties, whether through civil, criminal, or administrative means, including compensation, legal assistance, and restoration of reputation. This can be seen from the rights and obligations of healthcare professionals.

One of the main indicators of a nation's welfare is health, which shows that the healthier a country's population, the more prosperous its society. It is crucial for countries worldwide to ensure the availability of adequate healthcare infrastructure [3].

Legal protection between service providers and recipients, in this case, patients, is inseparable from the role of hospitals in the patient's nearest residential area. Everyone requires the highest level of healthcare services in accordance with Pancasila and Article 28H Paragraph 1 of the 1945 Constitution, which states, "Every person has the right to live in physical and spiritual prosperity, to have a place to live, to enjoy a good and healthy environment, and to obtain healthcare services."

The fundamental right in human rights is the right to life. No one is allowed to kill another person. Harming one individual is akin to harming the entire population. Therefore, taking someone's life under any circumstances is forbidden for everyone. Killing one person is like killing all of humanity, as stated in the Quran: "Whoever kills a soul unless for a soul or for corruption [done] in the land – it is as if he had slain mankind entirely. And whoever saves one – it is as if he had saved mankind entirely" (Q.S. Al-Maidah: 32).

Hospitals, as healthcare providers, are health institutions that offer inpatient, outpatient, and emergency services. A patient is anyone who consults about their health issues to obtain the necessary healthcare services, either directly or indirectly, at a hospital. In carrying out its functions, a hospital provides healthcare services that encompass various elements, such as facilities, medical equipment, medicines, healthcare professionals, etc., to prevent undesirable outcomes and ensure quality healthcare services. Hospitals are obligated to fully equip their facilities in accordance with government standards [4].

The Central Bureau of Statistics (BPS) recorded 3,072 hospitals in Indonesia in 2022, an increase of 0.99% from 3,042 units in the previous year. Of these, 2,561 units are general hospitals (RSU), and 511 are specialized hospitals (RSK). The number of hospitals in Indonesia continues to rise due to this trend. However, last year's figure represents the highest number of hospitals in several decades. Regionally, East Java is the province with the highest number of hospitals in 2022, with 410 units consisting of 328 general hospitals and 82 specialized hospitals. West Java follows in second place with 399 units, and Central Java with 334 units. On the other hand,

North Kalimantan has the fewest hospitals, with only 13 units, followed by West Sulawesi and Gorontalo.

The data above highlights that both private and public hospitals have the responsibility to maintain the quality of healthcare services, which is a crucial factor in fulfilling the public's right to health. Since hospitals provide services, they must ensure patient satisfaction. Therefore, actions that genuinely prioritize public interest are necessary to deliver excellent services to the community. On the other hand, the quality of hospital services presents a unique phenomenon due to the varying dimensions and indicators among those involved in service delivery. To address these differences, basic guidelines for healthcare service provision should be used to meet the needs and demands of healthcare service users. Quality service is directed toward perfect healthcare that fulfills the needs and expectations of every patient. Thus, the quality of healthcare services reflects the level of perfection in healthcare delivery that generates satisfaction for every patient.

To date, the issue of consumer rights abuse in healthcare services at hospitals has increasingly gone unnoticed by hospitals, especially in cases where consumers do not formally lodge complaints. This abuse of rights is fundamentally problematic, even if it is not explicitly contested. If deviations occur continuously, they can undermine various positive efforts and affect public perception.

Patient rights abuse only gains attention when dissatisfaction and regret regarding services are expressed by patients or their families. In poor communities, dissatisfaction with poor hospital services is often accepted with resignation. The poor often fall victim to unjust and discriminatory healthcare systems, while the wealthy can afford to seek treatment at more expensive hospitals or doctors abroad. As a result, "international" hospitals are increasingly prevalent in Indonesia, catering to the demand for high-quality services comparable to those abroad.

Several factors can contribute to the abuse of patient rights in hospitals, including ignorance, dominant attitudes, excessive workload, and economic factors. Ignorance in professional service delivery reflects weaknesses in the process of becoming a professional and interactions within professional associations. The element of ignorance may become insignificant due to the influence of more dominant factors, such as patients' lack of knowledge about consumer rights. Unprofessional behavior can also lead to patient dissatisfaction, such as staff preferences or dominant attitudes toward patients. With proper planning, hospital managers can reduce excessive workloads and economic pressures [5].

A common issue faced by healthcare professionals in the medical and healthcare fields is complaints from patients or their families, which often become a source of conflict for healthcare workers. Patients and their families often feel aggrieved, believing that medical staff have not provided optimal care. Dissatisfaction among patients' families frequently leads to medical disputes, with parties resorting to legal action to resolve the issue.

## **2. Research Questions**

Why are the Legal Protection Regulations for Healthcare Professionals in Private Hospitals in Indonesia Still Lacking in Justice?

What are the Weaknesses in the Legal Protection Regulations for Healthcare Professionals in Private Hospitals in Indonesia?

## **3. Research Methodology**

This research aims to explain and analyze the Legal Protection for Healthcare Professionals in Private Hospitals in Indonesia. Therefore, the author uses a socio-legal studies approach. The research is structured based on interdisciplinary studies.

First, a textual study of legislation and policies is conducted critically to explain the philosophical, sociological, and juridical problems of written law. Second, various new methods combining legal research with social sciences are used, such as qualitative socio-legal research and socio-legal ethnography. Legal regulations, in this case, the Health Law and its implementing regulations, namely Government Regulation (PP) No. 28 of 2024, as part of the literature study, will be combined with field study data to address the research questions.

In processing and analyzing the data, a qualitative descriptive method is used. The data is collected and categorized, then analyzed and interpreted logically and systematically, both for primary and secondary data.

### **3. Research Findings and Discussion**

#### **A. Legal Protection and Professional Rights of Healthcare Workers in Indonesia**

Healthcare services provided by medical and healthcare professionals are a crucial aspect of building a healthy society. Medical and healthcare professionals are part of the Human Resources (HR) in healthcare delivery. These healthcare HR are professionals who interact directly with patients and other healthcare workers daily. Healthcare professionals are those who provide direct healthcare services to individuals, families, and communities. They are professionals in the healthcare sector who carry out healthcare practices using accountable scientific knowledge, as regulated by Law No. 17 of 2023 on Health [6].

Article 197 of Law No. 17 of 2023 states that healthcare human resources consist of medical professionals, healthcare professionals, and supporting health personnel. The explanation of Article 197, letter b, clarifies that healthcare professionals include all individuals dedicated to the health sector, including nursing professionals. This is further elaborated in Article 199, paragraph 1, letter b, which specifies that healthcare professionals include nursing personnel. Paragraph 3 of the same article further explains that the types of healthcare professionals in the nursing group, as mentioned in paragraph 1, letter b, include vocational nurses, registered nurses (ners), and specialist nurses (ners spesialis).

In reality, healthcare professionals play a vital role in every service provided by hospitals, especially private hospitals. Among healthcare professionals, nurses are the most prone to malpractice due to their frequent direct interaction with patients, who are their primary service partners.

A nurse is someone who has graduated from a nursing education program, either domestically or abroad, recognized by the government in accordance with applicable regulations. Nurses can perform medical actions under the condition that they have been delegated the authority by a doctor. Nursing professionals are competent in providing professional nursing care to patients, not in performing specific medical actions. Specific medical actions are collaborative activities between doctors and other healthcare professionals. This clearly indicates that medical actions are legally performed only by doctors, not nurses [7].

If a doctor is unable to perform a medical action, they may request assistance from a nurse to carry out the action. However, the doctor must provide a clear written delegation of authority to the nurse to perform the medical action.

Negligence in medical actions performed by nurses on patients is something that must be avoided to prevent violations of private hospital regulations and the Health Law. Negligence refers to behavior that does not meet service standards. Negligence occurs when the medical actions performed by nurses do not align with safe medical practices. If a nurse provides care that fails to meet standards, they are considered negligent. Negligence encompasses any action that violates standards and results in injury or harm to others. Nursing malpractice occurs when a nurse fails to use the level of skill and knowledge commonly applied in nursing care for patients or injured individuals.

The success of achieving healthcare goals for society is inseparable from the role of healthcare professionals as the primary providers of healthcare services, who are required to work professionally and responsibly. Since nursing is a profession, the services provided must adhere to nursing practice standards, ethical codes, and morals to ensure that the public, as service recipients, receives high-quality nursing care. Nursing professionals are not merely "complements" to medicine. Nursing is a professional healthcare service and an integral part of healthcare delivery. Nursing is based on nursing science and art, providing comprehensive bio-psycho-social-spiritual care to individuals, families, and communities, whether sick or healthy, covering the entire human life process [8].

Article 6 of Law No. 17 of 2023 on Health states that the Central Government and Regional Governments are responsible for planning, regulating, organizing, fostering, and supervising the implementation of quality, safe, efficient, equitable, and affordable healthcare efforts for the public. This means that healthcare efforts are carried out harmoniously and balancedly by the government and the community, including the private sector. The goal is to ensure that healthcare efforts and their resources are managed harmoniously and balancedly with the active participation of the community.

Nursing or healthcare professionals, as part of nursing practice, naturally have the right to professional claims for what they deserve from performing their duties to the fullest. Obtaining legal and professional protection while carrying out tasks in accordance with professional standards and Standard Operating Procedures (SOP) is one of the rights of nurses. They are entitled to perform their duties in line with the autonomy and competence of their profession. Patients must also be protected from irresponsible healthcare practices, such as cases of negligence mentioned earlier. Patients have the right to safety, security, and comfort in the healthcare services they receive.

Negligence by healthcare or nursing professionals in hospitals is not solely the responsibility of the nurse or healthcare worker. Hospitals, as healthcare service providers, also bear responsibility under Article 193 of Law No. 17 of 2023, which states that hospitals are legally responsible for all losses caused by the negligence of their healthcare human resources [9].

In nursing practice, nurses have the right to professional claims for what they deserve from performing their duties to the fullest. Obtaining legal and professional protection while carrying out tasks in accordance with professional standards and SOPs is one of the rights of nurses. They are entitled to perform their duties in line with the autonomy and competence of their profession.

Article 273 of Law No. 17 of 2023 on Health outlines the rights of medical and healthcare professionals in carrying out their practices. Medical and healthcare professionals have the right to:

- a. Receive legal protection as long as they perform their duties in accordance with professional standards, service standards, SOPs, professional ethics, and patient health needs;
- b. Obtain complete and accurate information from patients or their families;
- c. Receive fair wages/salaries, service fees, and performance allowances in accordance with applicable laws and regulations;
- d. Receive protection for occupational safety, health, and security;
- e. Obtain health insurance and employment guarantees in accordance with applicable laws and regulations;
- f. Receive protection from treatment that is inconsistent with human dignity, morals, decency, and socio-cultural values;
- g. Receive recognition and awards in accordance with applicable laws and regulations;
- h. Have opportunities for self-development through competency development, scientific advancement, and career growth in their professional field;
- i. Refuse requests from patients or other parties that conflict with professional standards, service standards, SOPs, ethical codes, or applicable laws and regulations; and
- j. Enjoy other rights in accordance with applicable laws and regulations.

These rights ensure that healthcare professionals can carry out their duties effectively while being protected legally and professionally. At the same time, patients are guaranteed safe, quality, and responsible healthcare services [10]. Paragraph 2 of Article 273 states that Medical and Healthcare Professionals may discontinue healthcare services if they are subjected to treatment that is inconsistent with human dignity, morals, decency, and socio-cultural values as referred to in paragraph (1) letter f, including acts of violence, harassment, and bullying.

Article 274 outlines the obligations of Medical and Healthcare Professionals in carrying out their practice. They are required to:

- a. Provide healthcare services in accordance with professional standards, service standards, Standard Operating Procedures (SOPs), professional ethics, and patient health needs;
- b. Obtain consent from the patient or their family for any actions to be taken;

- c. Maintain patient confidentiality;
- d. Create and maintain records and/or documents of examinations, care, and actions performed; and
- e. Refer patients to other Medical or Healthcare Professionals who have the appropriate competence and authority.

Article 275, Paragraph 1 states that Medical and Healthcare Professionals practicing in healthcare facilities are obligated to provide first aid to patients in emergency situations and/or during disasters.

Paragraph 2 of the same article clarifies that Medical and Healthcare Professionals who provide healthcare services to save lives or prevent disability in emergency situations and/or during disasters are exempt from liability for damages.

These provisions ensure that healthcare professionals are protected when performing their duties in critical situations, while also emphasizing their obligations to provide ethical, professional, and patient-centered care.

Government Regulation of the Republic of Indonesia No. 28 of 2024, which serves as the implementing regulation for Law No. 17 of 2023 on Health, outlines the rights and obligations of Medical Professionals, Healthcare Professionals, and Patients. Specifically, Paragraph 1 details the rights of Medical and Healthcare Professionals [11].

#### Article 721

Medical and Healthcare Professionals, in carrying out their practice, have the right to:

- a. Receive legal protection as long as they perform their duties in accordance with professional standards, service standards, Standard Operating Procedures (SOPs), professional ethics, and patient health needs;
- b. Obtain complete and accurate information from patients or their families;
- c. Receive fair wages/salaries, service fees, and performance allowances in accordance with applicable laws and regulations;
- d. Receive protection for occupational safety, health, and security;
- e. Obtain health insurance and employment guarantees in accordance with applicable laws and regulations;
- f. Receive protection from treatment that is inconsistent with human dignity, morals, decency, and socio-cultural values;
- g. Receive recognition and awards in accordance with applicable laws and regulations;
- h. Have opportunities for self-development through competency development, scientific advancement, and career growth in their professional field;
- i. Refuse requests from patients or other parties that conflict with professional standards, service standards, SOPs, ethical codes, or applicable laws and regulations; and
- j. Enjoy other rights in accordance with applicable laws and regulations.

#### Article 722

The legal protection referred to in Article 721 letter a is intended to:

- a. Provide legal certainty to Medical and Healthcare Professionals in delivering healthcare services in accordance with applicable laws and regulations;
- b. Ensure they can work without coercion or threats from other parties; and
- c. Ensure they can work within the scope of their professional authority and competence.

#### Article 723

- (1) The legal protection referred to in Article 721 letter a is provided by the Central Government, Regional Governments, and the leadership of Healthcare Facilities, and includes:
  - a. Legal protection to prevent Medical or Healthcare Professionals from committing violations; and
  - b. Legal protection for Medical and Healthcare Professionals facing legal issues.

- (2) The forms of legal protection to prevent violations by Medical or Healthcare Professionals, as referred to in paragraph (1) letter a, include:
  - a. Professional standards, service standards, SOPs, norms, standards, procedures, and criteria related to the professional practice of Medical and Healthcare Professionals;
  - b. Ensuring Medical and Healthcare Professionals possess a Professional Practice License (STR) and Practice Permit (SIP);
  - c. Ensuring Medical and Healthcare Professionals practice within their clinical authority;
  - d. Obtaining consent from patients and/or their families for actions taken by Medical and Healthcare Professionals, except in emergency conditions; and
  - e. Facilitating Medical or Healthcare Professionals to have professional liability protection benefits.
- (3) The forms of legal protection referred to in paragraph (1) letter b can be carried out through:
  - a. Dispute resolution;
  - b. Enforcement of professional ethics;
  - c. Enforcement of scientific discipline; and
  - d. Law enforcement.
- (4) The institutions where Medical and Healthcare Professionals work are obligated to protect and provide legal assistance to them in the form of:
  - a. Legal consultation; and/or
  - b. Providing accompaniment in dispute resolution.
- (5) Further provisions regarding legal protection for Medical and Healthcare Professionals are regulated by a Ministerial Regulation.

## **B. Regulation of Private Hospitals' Responsibility for Legal Protection of Healthcare Professionals**

Hospitals are healthcare institutions that provide medical services and care to the public. In Indonesia, hospitals play a crucial role in the national healthcare system, with the primary goal of improving public health through quality services. Hospitals can be divided into two main types: public hospitals managed by the government and private hospitals managed by private entities [12].

The legal regulations related to hospitals, including private hospitals, are outlined in several laws and regulations, including Law No. 17 of 2023 on Health, Government Regulation No. 28 of 2024, Law No. 44 of 2009 on Hospitals, and Minister of Health Regulations. Below is an explanation of these regulations:

### 1. Law No. 17 of 2023 on Health

- (1) Article 1: Defines hospitals as healthcare institutions that provide comprehensive healthcare services, including private hospitals.
- (2) Article 4: States that every individual has the right to access safe, quality, and affordable healthcare services, which includes services provided by private hospitals.
- (3) Article 6: Mandates that the government must provide healthcare facilities, including hospitals, to ensure public health. This includes regulations for private hospitals to operate within the national healthcare framework.
- (4) Article 28: Regulates legal protection for healthcare professionals working in hospitals, including private hospitals.

### Government Regulation No. 28 of 2024 on the Implementation of Law No. 17 of 2023 on Health

- (1) Article 1: Defines healthcare facilities as institutions that provide comprehensive individual healthcare services, including promotive, preventive, curative, rehabilitative, and/or palliative care, through inpatient, outpatient, and emergency services.

- (2) Article 6: Regulates the responsibility of hospitals to provide quality healthcare services.
- (3) Article 15: Outlines the mechanism for resolving disputes between patients and hospitals.

#### Law No. 44 of 2009 on Hospitals

- (1) Article 1: Defines hospitals as healthcare institutions that provide comprehensive healthcare services.
- (2) Article 5: Requires hospitals to meet healthcare service standards and possess operational permits.
- (3) Article 11: Regulates the obligation of hospitals to provide information about patients' rights and responsibilities.

#### Minister of Health Regulations

- (1) Regulation of the Minister of Health No. 2404/Menkes/Per/X/2020 on Hospital Accreditation: Regulates accreditation standards for hospitals to ensure safe and quality healthcare services.
- (2) Regulation of the Minister of Health No. 75 of 2014 on Health Service Centers and Networks: Regulates the healthcare service network system, including the role of hospitals as referral centers.

With the increasing public awareness of health, the number of hospitals, especially private hospitals, continues to grow. This growth is driven by the need for better healthcare services and easier access for the public. Private hospitals often offer more modern facilities and faster services compared to public hospitals. However, the rapid growth of private hospitals also brings challenges, particularly in ensuring legal protection for healthcare professionals and maintaining service quality. Regulations such as those mentioned above aim to ensure that private hospitals operate within a legal framework that protects both healthcare professionals and patients, while also promoting equitable and quality healthcare services.

Hospitals function as healthcare centers, encompassing various services such as: Inpatient and outpatient care, emergency services, surgery and intensive care, rehabilitation and specialized services for certain diseases.

Although hospitals play a crucial role, they also face several challenges, including: Funding and access to services, variability in service quality, complex regulations and rules. Hospitals contribute to the overall development of the healthcare system. They not only provide medical services but are also involved in: educating healthcare professionals, conducting research, developing health policies. Additionally, hospitals serve as referral centers for other healthcare facilities, particularly Community Health Centers (Puskesmas). Private hospitals play an increasingly important role in Indonesia's healthcare system, especially in providing service options for patients. With competition between public and private hospitals, it is hoped that service quality will improve.

Hospitals are an integral part of the healthcare system, with roles that continue to evolve alongside societal needs. Improving quality, accessibility, and diversity of hospital services is key to achieving better public health. Private hospitals play a crucial role in supporting the national healthcare system in Indonesia. With modern facilities and faster service access, private hospitals are a choice for many seeking quality healthcare. However, private hospitals face several challenges, such as funding, accessibility, and complex regulations. With the enactment of Law No. 17 of 2023 and other related regulations, the responsibilities of hospitals, including private ones, are clearly defined in providing safe and quality healthcare services. In addition to their role as medical service providers, hospitals are also involved in educating healthcare professionals, conducting research, and serving as referral centers for other healthcare facilities. The competition between public and private hospitals is expected to enhance the overall quality of healthcare services in Indonesia [4].

In the context of legal protection for healthcare professionals in private hospitals in Indonesia, the injustices that occur can be seen from several aspects, especially when linked to Law No. 17 of 2023 on Health and Government Regulation No. 28 of 2024. Below are some fundamental issues that contribute to the lack of fairness in legal protection for healthcare professionals in private hospitals:

1. Lack of Specific Regulations for Private Hospitals  
Although Law No. 17 of 2023 and PP No. 28 of 2024 provide a general legal framework for healthcare, they pay less attention to the specific context of healthcare professionals in private hospitals. There are



no provisions that explicitly affirm the protection of the rights of healthcare professionals in private hospitals, such as guarantees for workplace safety, welfare, or security standards that management should fulfill.

2. **Limited Protection for Workplace Safety and Security**  
Private hospitals, often profit-oriented, tend to overlook or minimally address the safety and security of healthcare professionals. Existing regulations lack strong mechanisms to ensure optimal protection in terms of healthcare facilities, personal protective equipment, and safety training for healthcare workers in private hospitals.
3. **Rights of Healthcare Professionals in Legal Cases**  
Law No. 17 of 2023 and PP No. 28 of 2024 do not provide clear protection for healthcare professionals facing legal challenges related to their medical duties, especially in private hospitals. This results in insufficient legal support from hospital institutions during conflicts or legal cases involving healthcare professionals.
4. **Inadequate Financial and Social Security Protection**  
The social security and financial protection systems for healthcare professionals, particularly in private hospitals, are not comprehensively regulated under Law No. 17 of 2023 or PP No. 28 of 2024. This leaves many healthcare professionals in private hospitals exposed to high risks without adequate compensation or social protection.
5. **Potential Discrimination in Healthcare Regulations**  
Existing regulations tend to treat healthcare professionals in private hospitals differently from those in public hospitals. For example, in terms of access to benefits, professional development opportunities, or job protection, regulations often prioritize public hospital workers over those in private hospitals.
6. **Lack of Oversight in Implementing Regulations in Private Hospitals**  
PP No. 28 of 2024 does not detail the oversight mechanisms for private hospitals regarding the protection of healthcare professionals. This makes it difficult to monitor compliance with regulations, particularly in ensuring private hospitals adhere to established rules.
7. **Limited Involvement of Healthcare Professionals in Decision-Making**  
In many cases, healthcare professionals in private hospitals have little say in internal decisions affecting their safety and welfare. This injustice highlights the inadequacy of existing regulations in providing a platform for healthcare professionals to voice their needs for workplace protection.

Based on the explanation above, Law No. 17 of 2023 and Government Regulation No. 28 of 2024 are still inadequate in realizing legal justice based on Pancasila values, especially for healthcare professionals in private hospitals. This approach highlights that regulations should not only include technical rules but must also be grounded in Pancasila values of justice to address discrimination and comprehensively fulfill the rights of healthcare professionals [13].

The legal protection regulations for healthcare professionals in private hospitals in Indonesia, when analyzed through Notonagoro's theory of Pancasila justice, are still far from achieving justice based on Pancasila values. Law No. 17 of 2023 and PP No. 28 of 2024 have not fully provided adequate protection to meet the principles of distributive, commutative, and natural justice for healthcare professionals in private hospitals.

From the perspective of distributive justice, the absence of equitable distribution of rights and protection between healthcare professionals in private and public hospitals shows inequality that disregards the contributions of healthcare professionals in the private sector. Meanwhile, commutative justice is violated when healthcare professionals in private hospitals face heavy workloads without adequate legal protection or compensation. Finally, natural justice is neglected when the basic rights of healthcare professionals, such as workplace safety and protection from legal claims, are not guaranteed by hospitals that are more profit-oriented.

In the context of legal protection for healthcare professionals in private hospitals in Indonesia, the lack of supportive legal culture in society can be one of the factors influencing the effectiveness of implementing legal protection regulations for healthcare professionals. This can be seen from the lack of public legal awareness regarding the importance of legal protection for healthcare professionals in hospitals [14].

Additionally, public dissatisfaction with the quality of healthcare services provided by healthcare professionals in private hospitals poses its own challenge in implementing legal protection regulations for healthcare professionals. Dissatisfied individuals are more likely to file lawsuits or report actions by healthcare professionals that are deemed harmful, without considering professional standards and procedures that should apply.

Another challenge is the low level of public trust in the professionalism of healthcare professionals in private hospitals, often associated with widespread harmful medical practices, such as inappropriate medication, unnecessary healthcare services, and negligence leading to patient disability or death. To identify the legal culture factors contributing to the weak implementation of protection for healthcare professionals, the following weaknesses are evident:

1. **Lack of Legal Awareness and Understanding:**  
Many healthcare professionals and private hospital managers lack understanding of their legal rights and obligations, including the legal protections they can claim. This hinders the implementation of existing regulations.
2. **Weak Culture of Legal Compliance:**  
The level of compliance with regulations related to the legal protection of healthcare professionals is often still low. This may be due to insufficient socialization or inconsistent enforcement.
3. **Low Participation of Healthcare Professionals in Legal Advocacy:**  
Healthcare professionals are often less involved in advocacy to strengthen legal protection regulations, either due to limited time, resources, or fear of career repercussions.
4. **Challenges in Professional Ethics and Internal Oversight:**  
Conflicts between professional ethics and legal protection can worsen the weak legal culture, especially when internal oversight in private hospitals is lax.
5. **Limited Institutional and Government Support:**  
Weaknesses in legal culture also arise due to minimal institutional support from the government and professional associations, which should provide clearer guidance and stronger legal protection for healthcare professionals.

Therefore, there is a need for reconstructing regulations oriented towards Pancasila justice to ensure that healthcare professionals in private hospitals receive adequate protection in line with their dignity and worth as professional workers contributing to the national healthcare system. Existing regulations often focus more on public hospitals and other public healthcare facilities, while private hospitals are frequently not specifically regulated in terms of legal protection for healthcare professionals. This creates a gap in protection for healthcare professionals in the private sector. Effective legal substance must encompass all relevant sectors. The lack of specific regulations for private hospitals can overlook the unique needs and challenges faced by healthcare professionals in this sector. Friedman argues that laws must be adaptive and responsive to specific contexts to ensure effective protection [15].

### Conclusion

1. The legal protection regulations for healthcare professionals in private hospitals in Indonesia still face issues of injustice and inadequacy. Although Law No. 17 of 2023 and Government Regulation No. 28 of 2024 serve as the legal foundation for healthcare services in Indonesia, they have not provided comprehensive protection. This includes the lack of specific regulations, weak oversight and law enforcement, and the mismatch between written laws and their implementation in practice.
2. The weaknesses in legal protection for healthcare professionals in private hospitals in Indonesia encompass three components: legal substance, legal structure, and legal culture. The legal substance in Indonesia is often incomplete, particularly in regulating specific rights and protections for healthcare professionals in the private

sector, creating legal uncertainty. The legal structure, involving courts, oversight institutions, and law enforcement, also lacks optimal support for implementing protection. Additionally, the unsupportive legal culture of society regarding the protection of healthcare professionals further affects the effectiveness of implementing these regulations.

### Recommendations

1. There is a need to reconstruct fair legal protection regulations for healthcare professionals in private hospitals in Indonesia, based on the values of Pancasila justice. This should include aspects such as licensing, certification, and dispute resolution, which must be implemented transparently and inclusively.
2. It is necessary to develop and harmonize regulations that prioritize substantive justice, supported by increasing legal awareness and understanding among healthcare professionals through continuous education and training. Strengthening law enforcement institutions is also crucial to ensure the effective implementation of regulations. Furthermore, the application of restorative dispute resolution methods, such as mediation, can help achieve fair and sustainable solutions.

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